

YOUR DAY IN COURT

The following are some definitions and information which will be useful for you to know:

Judge: A magistrate judge with experience in many different areas of law who will be the neutral listener in your case; he/she will direct your case as it proceeds through the legal system and make decisions based on the information you provide and on the law.

Court Clerk: The Court Clerk of the court maintain records of all documents filed with the court and of court proceedings. They also collect filing fees, court costs and fines. They can provide court-approved forms and written instructions. They cannot give legal advice.

Attorney: A person who has specialized training and has a license to practice law; he/she acts as an advocate and can give advice to the individual he/she represents.

Petitioner or Plaintiff: The person(s) starting the case with the court; this person is the one who files the paperwork which begins the case.

Respondent or Defendant: The person(s) responding to the case that was started by the petitioner.

Courtroom behavior:

- Arrive on time.
- Wear clean and appropriate clothing.
- Be polite to the judge and other party - Don't interrupt.
- Be calm and logical - Don't yell or object on the grounds that the other side is lying.
- Speak only when asked to - Don't talk unless the judge instructs you to do so.
- Be prepared.

Requesting Forms

- The website () has many of the forms and information you need to begin a court case.
- Fill out the forms completely.
- File your petition with the Court Clerk.

Be careful to answer the questions on the forms with specific information. Include dates, times, and a clear description of events.

Service of Process

- In most cases, the other party must be "served" with the papers you filed with the court. Usually, through certified mail.
- After the defendant/respondent has been served, he/she generally has 30 days to respond by filing an "Answer" with the Court Clerk. This "Answer" explains where the respondent disagrees with the petition filed against him/her.

Domestic Temporary Orders

- People usually come to an agreement on temporary arrangements on their own while the case is pending.
- If the parties cannot come to an agreement on temporary arrangements, a party must file the forms for a Temporary Order and request a hearing at which the judge will decide what arrangements will be in place until the case is over.

Settlement or Trial?

Settlement: Most cases reach a settlement, or agreement, through compromise and common sense. Otherwise, parties may spend a lot of time and money fighting their case in court.

Trial: This is the time the parties bring their evidence into court for the judge to consider.

A trial consists of four parts:

- **Opening statement:** The time to tell the judge briefly what your case is about and what you are asking for. Be brief; this is not the time for opinions or arguments.
- **Direct examinations:** This is where your witnesses give testimony. Ask witnesses clear and direct questions, one at a time, and ask questions that help bring out the facts you want the judge to hear.
- **Cross-examinations:** This is the time you have to question the other party's witnesses. Ask short, clear questions; do not argue with, yell at, or harass the witness. Your goal is to ask questions that will get answers that point out inconsistencies in the other side's story.
- **Objection:** This is the process by which one party takes exception to some statement or procedure. An objection is either sustained (the judge agrees with the objection) or overruled by the judge.
- **Closing argument:** This is your last chance to speak to the court. Give your opinion about the case using an argument based on the evidence presented.

Judgment or Decision Point

After considering all the evidence, a judge will come to a decision. The

decision, or judgment, will detail how the case should be resolved. This can include:

- **Payment/collection of money:** One party may be ordered to pay the other party a specified amount of money. It is not the responsibility of the court to collect the money. The party awarded the money is responsible for collection. The court system has specific processes to help collect judgments.
- **Assignment of responsibilities:** The court may assign certain responsibilities to one or both parties, including what behavior isn't allowed in the future.